

March 8, 2010

Via Fax 816-881-4693
Honorable Michael Manners
Circuit Judge, Division 2, Jackson County
308 W. Kansas
Independence, MO 64050

Re: *Reginald Clemons v. Steve Larkins, Case No. SC90197*

Dear Judge Manners:

The purpose of this letter is to inform the court of the possible existence of previously undisclosed evidence relating to the matter of *State of Missouri v. Reginald Clemons*. In this office's review of the underlying evidence in this case, the state has discovered three laboratory reports and certain physical evidence, including what is commonly referred to as a "rape kit," taken as part of a medical examination performed on the victim following the discovery of the victim's remains.

By this letter, the state of Missouri requests that a hearing be scheduled to determine an appropriate protocol for the testing and dissemination of the test results of the biological evidence in question.

Following the deposition on Tuesday, March 2, of Mr. Nels Moss, the prosecuting attorney who originally tried Mr. Clemons, Mr. Moss informed two assistant attorneys general that he had recently been told of the existence of a rape kit located at the St. Louis Police Department Crime Lab. Mr. Moss stated that he had no prior knowledge of this rape kit, raising the inference that the evidence had not been previously disclosed as part of the state's case against Mr. Clemons. The Attorney General's Office then contacted the St. Louis Circuit Attorney's Office, who assisted in identifying three laboratory reports and certain biological samples in cold storage at the crime lab.

The Attorney General's Office obtained copies of these reports on March 3, 2010, and disclosed them to Petitioner on March 4. This office is unable to confirm at this time whether the aforementioned evidence was provided to defense counsel at the time of the underlying criminal trial.

By this letter, and because of the importance of this case, the Attorney General's Office seeks to advise the court of these circumstances immediately.

Respectfully,

STEPHEN D. HAWKE

Habeas Unit Chief, Public Safety Division

cc: Joshua A. Levin and Gabriel Torres, fax no. (212) 455-2502
Andrew M. Lacy, fax no. (202) 636-5502
Mark Arnold, fax no. (314) 480-1505
Attorneys for Petitioner